THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21267 of 2006

Dated: 15-11-2006

Between:

Anjaiah and others.

..... PETITIONER

AND

The Joint Collector, Ranga Reddy District, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.21267 of 2006

ORDER:

The petitioners along with one D. Suryaprakash filed an appeal before respondent No.1, being Case No.F1/6949/2000, under Section 24 of the of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, against the proceedings of the Revenue Divisional Officer(RDO), Ranga Reddy District, dated 12-10-1999 granting Occupancy Rights Certificate (ORC) in favour of respondent No.2 in respect of the land admeasuring Acs.2.09 guntas in survey Nos.66, 67 and 126 situated at Pasmamula Village, Hayathnagar Mandal in Ranga Reddy District. Respondent No.1, having noticed the proceedings that went earlier, passed orders on 03-08-2004 dismissing the appeal for default/non-prosecution. The petitioners then filed restoration petition seeking to set aside the default order dated 03-08-2004 along with an application for condonation of delay. By impugned memo dated 11-05-2006, respondent No.1 passed the order as under.

> It is hereby informed to the appellants that the Restoration petition filed against the orders passed by the Joint Collector Ranga Reddy District in Case No.F1/6949/2000 dated 03-08-2004 against the orders passed by the Revenue Divisional Officer Ranga Reddy East Division in File No.J/2656/1999 dated 12-10-1999 in respect of the land bearing Sy.No.126 measuring Acs.0.19 gts situated at Pasmamula village, Hayathnagar Mandal, Ragna Reddy District is rejected since the restoration petition is not filed within the time.

This writ petition is filed against the above order.

The learned counsel for the petitioners raised limited submission. He submits that the dismissal of the restoration petition as well as the application for condonation of delay without giving reasons is illegal and unsustainable. The learned Assistant Government Pleader for Revenue (General-T) and the learned counsel for respondent No.2, however, oppose the writ petition.

A perusal of the order/memo extracted hereinabove would show that the impugned memo is not supported by any reasons. When valuable rights are involved and when the authority dismissed the appeal for default, the authority is also under duty to consider the application to set aside the default order by giving proper reasons. If there is any delay in filing such application, the authority has to first consider the reasons for condonation of delay and pass reasoned order. Both these are absent in the impugned order/memo. On this limited ground, the impugned order/memo is liable to be set aside.

Accordingly, without expressing any opinion on the merits of the

case, this writ petition is disposed of. The impugned memo No.F1/2292/2006 dated 11-05-2006 is set aside and the matter is remitted to respondent No.1, who shall hear the counsel for the petitioners and respondent No.2 and pass reasoned order within a period of six weeks from the date of receipt of a copy of this order. No costs.

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V.V.S.RAO, J

15th November, 2006
ghn